UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SHAWN BLAIR   ]
        Plaintiff,   ]
                                     ]
                                     ]
v.   ]   No. 3 07 0208
                                     ]   Judge Echols
                                     ]
OFFICERS AT R.C.A.D.C.,   ]
ET AL.[1]   ]
        Defendants.   ]

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the West Tennessee State Penitentiary in Henning, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against Officer Garner and other unnamed officers at the Rutherford County Adult Detention Center; seeking damages.

The complaint simply states:

> I Shawn Blair was assaulted on November 4, 2005
> by Rutherford County. I have the tapes to proof
> [*sic*] I'm locked up at RCADC. I feel threatened
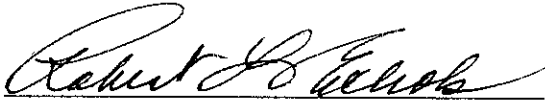> wish to be sent to TDOC ASAP (conflict interest).

The complaint was signed by the plaintiff and presumably placed in the mail on January 20, 2007. The plaintiff's claims arose on November 4, 2005, the date he was allegedly assaulted. Thus, it appears that this action is time-barred by the one-year statute of limitations imposed upon civil rights claims brought in Tennessee. Merriweather v. City of Memphis, 107 F.3d 396, 398 (6th Cir. 1997). Nothing in the complaint suggests that the statute

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[1] R.C.A.D.C refers to the Rutherford County Adult Detention Center in Murfreesboro, Tennessee.

should be tolled so as to permit the untimely filing of the complaint. The Court, therefore, concludes that this action is untimely and is not subject to adjudication. <u>Pino v. Ryan</u>, 49 F.3d 51, 53-54 (2d Cir. 1995); <u>see also</u> <u>Watson v. Wigginton</u>, 16 F.3d 1223, 1994 U.S. App. LEXIS 1329, No. 93-6023 (unpublished; 6th Cir. January 24, 1994).

Because this action appears to be time-barred, the plaintiff has no arguable basis in law or fact which would entitle him to § 1983 relief. Consequently, this action is frivolous within the meaning of 28 U.S.C. § 1915(e)(2) and shall be dismissed. <u>Neitzke v. Williams</u>, 490 U.S. 319, 109 S.Ct. 1827, 1832-1833, 104 L.Ed.2d 338 (1989).

An appropriate Order will be entered.

Robert L. Echols
United States District Judge

2